



Board of Election Commissioners for the City of Chicago

Minutes of Regular Board Meeting

October 23, 2018, 9:30 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner [absent]

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Charles Holiday, Assistant Executive
James P. Allen, Communications Director
Lorel Blameuser, Purchasing Agent
Gary Ryczyn, Consultant
Trupti Patel
Geneva Morris, Videographer
Trish Sheehy

Guests:

Sue Casey, ES&S
C. Betty Magness, Rainbow PUSH Coalition

- I. Call to Order: The Chairwoman called the meeting to order at 9:19 a.m.
- II. Roll Call: Present were Chairwoman Hernandez and Commissioner Kresse.

The Chairwoman explained that the Commissioners were called upon by the City Council to present the Board's 2019 budget within the next 5 minutes. The Chairwoman suggested that the Board meeting be recessed and, upon the conclusion of the Board's budget presentation to the City Council, return and resume this Board meeting.

Commissioner Kresse moved to recess until call of the Chair. The Chairwoman seconded the motion. The motion passed and the meeting was recessed at 9:20 a.m.

Reconvened Board meeting:

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Charles Holiday, Assistant Executive
James P. Allen, Communications Director
Bill Perez, Coordinator Hispanic Outreach
Lorel Blameuser, Purchasing Agent
Gary Ryczyn, Consultant
Trupti Patel
Geneva Morris, Videographer
Trish Sheehy

Guests:

Sue Casey, ES&S

III. The Chairwoman reconvened the meeting at 11:27 a.m.

IV. Roll Call: All Commissioners present

Chairwoman thanked everyone for their patience as the Board made its presentation of its 2019 budget to the Chicago City Council.

V. Consideration of Agenda: The agenda was approved as presented.

VI. Approval of Minutes

A. Minutes of the Regular Board Meeting of September 11, 2018: Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of September 11, 2018. Commissioner Kresse seconded the motion. The motion passed and the minutes were approved by unanimous vote of the Board.

VII. Executive Director's Report

Executive Director Lance Gough reported:

- The Board had its 2019 budget meeting at the City Council this morning. Mr. Gough feels that it went well.
- This election has gone quite smoothly thus far;
 - Despite sixteen key staff members retiring in the last few years, the people who have stepped up to fill those positions have done an excellent job,

- On October 17th at 2:30 the Pre-election Logic and Accuracy Test (Pre-LAT) was completed; it was ahead of schedule and with minimal overtime (just a couple of Saturdays).
- Our vendors have been doing an excellent job in getting the Vote By Mail (VBM) mailing out; Lake County Press and 3XData in getting the ballots printed and out; and ES&S and everyone else is doing what they need to do.
- Have some open polling places; approximately 24 that we need to get secured.
- During the budget hearing at the City Council, the Board was asked about Judges of Elections. There are about 5 Wards (1, 32, 35, 41 and 44) that need judges. Mr. Gough spoke separately to each of the Alderman for these wards. They said that they will talk to their staff on this matter.
- Early Voting (EV) in the Wards opened on time on Monday; kudos to the staff for getting that done.

The Chairwoman thanked Mr. Gough for the good job he did at the City Council budget meeting, and she noted that the members of the Council obviously have great admiration and respect for Mr. Gough and for what he does.

A. Assistant Executive Director Report

Assistant Executive Director Charles Holiday reported:

- On Sunday online voter registration closed. As of this morning the Registration Department had 2,612 registrations to process, and will be done by the end of today.
- Yesterday the Warehouse and cartage companies started delivering carriers to the polling places. Yesterday alone, 142 were delivered. There are 12 wards ready to be delivered.
- New poll sheets and specimen ballots are available to the General Public.
- The general public is still coming in to review petitions for the 2019 elections. Mr. Holiday wants to close the viewing beginning the Monday before the election possibly for the full week of the election because we will be very busy the week of the election with the current election. We will post a notice. There is no required notice, but will post notices.

B. Communications Director Report

Communications Director Jim Allen reported:

- We have a new webpage: chicagoelections.com/video. It has 3 of the 4 "How to" videos. The 4th will be added today. The 4 videos are: How to Organize a Voting Field Trip; How to Register or Update Your Record; How to Vote; and How to Prepare.

- Waiting on postage from Cook County that will allow us to complete the mailing. We have been waiting on the household mailing which includes information on polling places and early voting locations.
- Early Voting kick-off: Mr. Allen thanked the Chairwoman and stated that we had strong media presence at the kick-off event.
- Online registration has closed, and we will be “setting the numbers”. Although the numbers will change because of Grace Period and Same Day registration, the numbers of registrations will be set for ES&S for the e-poll books, for Dominion, and for media.
- We have received several media calls regarding Early Voting (EV) and Vote by Mail (VBM). We have received good coverage with regards to VBM. Our VBM numbers will likely break the 116,000 record set during World War II. We are close to 100,000 already and are averaging 2,000 per day which will go up after the mailing.
- Commissioner Swain asked Mr. Allen how we are distributing videos. Mr. Allen stated that a video is included in the email to VBM voters regarding, specifically, “How to vote by mail”. Secondly, we are working with Chicago Public Schools (CPS) on how to organize a field trip. Even though they may not be used for this November’s election they will have these videos for the February and April elections. We are working with CPS to get the field trip video out to the social studies teachers and to the Mikva Challenge. The EV staff are happy that this video is getting out, because when the organizers try to bring a 100 voters to a small EV site without notice, we don’t have time to put more staff or equipment in place.

VIII. Old Business

- A. Infrastructure Projects and Changes in Election Administration: Mr. Gough said that after this election we will return to this.
- B. Electronic Poll Books: on track
- C. Voting Equipment: nothing new to report
- D. Legislation: Mr. Lasker reported that there is no news.

IX. New Business

- A. Approval of Contract with Smith Maintenance Company for Custodian Services at the Early Voting Annex site for the 2018 General, 2019 Municipal and 2019 Runoff Elections.

Mr. Gough explained it’s for cleaning at our EV Supersite. We may conduct training there as well as early voting, as we have the second floor, too.

We have used Smith Maintenance Company in the past.

Commissioner Kresse moved to approve a contract with Smith Maintenance Company for the term of September 18, 2018 through April 30, 2019 in the amount of \$60,000. Commissioner Swain seconded the motion. The contract was approved by a 3:0 vote of the Board.

- B. Approval of Contract with EPIQ Global for Printing of Poll Sheets for 2018 General, 2019 Municipal and 2019 Runoff Elections.

Purchasing Agent Lorel Blameuser explained the purpose of poll sheets and the need to have them readily available to the public. The agreement would cover the next 3 elections. We have used EPIQ in the past particularly for quick turnaround projects.

Commissioner Swain moved to approve a contract with EPIQ Global. With the following terms; October 23, 2018 through April 30, 2019 in an amount not to exceed \$35,000. Commissioner Kresse seconded the motion. The contract was approved by unanimous vote of the Board.

- C. Adoption of Guidelines for Local Option Referenda for the February 26, 2019, municipal general election.

General Counsel Lasker explained: we publish these guidelines every election cycle; the petitions are filed with the City Clerk; and since there has been no changes in the Statutes the only changes from the last version of the guidelines are that the dates and names of elections were amended. Mr. Lasker requested that the Board approve the Guidelines so that we may give them to the public.

Commissioner Kresse moved to adopt the Guidelines for Local Option Referenda. Commissioner Swain seconded the motion and the Guidelines were adopted as presented

- X. Legal Report (Adam Lasker)

General Counsel Adam Lasker reported:

- The Pat Quinn citywide referenda challenges are currently pending. Our Electoral Board found 2 legal bases for finding the petitions legally invalid. That decision was taken to the Circuit Court on Judicial Review. The Circuit Court dismissed due to lack of Subject Matter Jurisdiction. The case is now at the Appellate Court level. Additionally, the petitioners filed a 302(b) motion with the Illinois Supreme Court seeking a Direct Appeal. That petition was denied by Supreme Court and essentially sent back to the Appellate Court. Yesterday, the Appellate Court set the briefing schedule; the Appellants' Reply Brief will be due on November 2nd. Mr. Lasker thinks that the absolute earliest we will receive a ruling from the Appellate Court would be Nov. 3rd.
- Because these are pending cases, the referenda have been printed on ballots and on the touchscreens. If the legal status of these referenda does not change, we

will not report the vote count on these referenda. Commissioner Swain asked that if the court does not overrule, whether the ballots would be counted. Mr. Lasker responded that the machines will count the votes cast, but totals will not become part of the Canvass, nor part of our proclamation; however, but will potentially be subject to the Freedom of Information Act (FOIA).

- The case *Metropolitan Water Reclamation District (MWRD) v. Cook County Clerk, et al* (including the Board) involves the race where the death of a MWRD commissioner occurred too late for petitions. However, there were write-in candidate campaigns for the office in the March Primary Election. The MWRD is asking the court for a declaratory judgment to resolve a conflict as to when to fill this vacancy: after November or after 2020. This conflict arose because the County Clerk certified the ballot to have the vacancy filled through election in November 2018, and the Governor appointed a Commissioner to fill the vacancy through 2020. We expect that by Thursday, at the latest, there will be a decision from the court.
- Board Counsel Joan Agnew and Mr. Lasker set up a meeting with Judge Sullivan, the Presiding Judge of the County Division (i.e., the Division that hears all election cases) and Darice Goodwin, Deputy Circuit Court Clerk. Attorneys from the County Clerk's office and the Attorney General's office also attended. The meeting was to help streamline Election cases in light of the new online e-filing requirements. We will see some changes to the Standing Order regarding e-filing.
- *Segovia* – this is the case that involves challenges by voters to Federal and State laws regarding US voting rights when voters move to certain U.S. territories. The Federal District Court and the 7th Circuit Court of Appeals had ruled upholding the laws. The US Supreme Court recently denied a *writ of certiorari*, so there will be no change to the laws.

XI. Financial Report: none.

XII. Public Comment: none.

XIII. Executive Session: Mr. Lasker said that there is a matter of probable or imminent litigation and requested an Executive Session. The Chairwoman asked if there was a motion to move into Executive Session to discuss the probable or imminent litigation, in accordance with Section 2(c)(11) of the Open Meetings Act. Commissioner Swain made such a motion. Commissioner Kresse seconded the motion. The motion was approved by unanimous vote of the Board. The Board entered into Executive Session, closed session, at 11:48 a.m. The Board returned to Open Session at 12:17 p.m. The Chairwoman stated that the Board took no action while in closed session, so no further action for today's meeting as a result of the closed session.

XIV. Adjournment: Commissioner Kresse moved to adjourn until the Special Board meeting on Tuesday, October 30, 2018 at 10:30 a.m. Commissioner Swain

seconded the motion. The motion carried by 3:0 vote of the Board. The meeting was adjourned at 12:19 p.m.